UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,938	04/02/2004	Dennis Gomes	A8523	8933

23373 7590 10/06/2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
AHMED, MASUD	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
10/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/815,938	GOMES, DENNIS	
	Examiner	Art Unit	
	MASUD AHMED	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7,9-11,13,15-17 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-7, 9-11, 13 and 15-17 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1, 4, 7, 9-10 and 19, canceled claims 3, 8, 12, 14 and 18. Examiner has considered the amendment to the claims very carefully.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlick (US 5,941,773), in view of DeFrees-Parrot et al (US 6, 913, 534) hereon 'Parrot further in view of Rowe et al (US 2003/0013527).

3. Regarding claims 1-2 and 10-11, Harlick teaches a randomly generated multiplayer reward system having following limitations:

From a pool of two or more gaming machines, randomly selecting one or more of the gaming machines from the pool at a predetermined reward time period; determining the operational state of the machine or determining whether players playing the machine or not and awarding player with the predetermined reward (col 1, lines 35-67). Harlick is silent on disclosing the predetermined time is being current time to award a player identified by the player identifier. 'Parrot teach a game system in combination with the lottery system played in a networked game machines where players are identified with

the player tracker system and various conditions are described such as predetermined time for the award (lottery drawings are well known in the art to have predetermined time for the drawings), (see summary), therefore it would have been obvious to ordinary skilled artisan at the time of invention to include a set drawing time for the machines to Harlicks's system as an alternative to predetermined time period to create player's anticipation.

4. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlick (US 5,941,773), in view of in view of DeFrees-Parrot et al (US 6, 913, 534), further in view of Rowe et al (US 2003/0013527).

Regarding claim 4, Harlick teaches a gaming system that determines the operational state of a gaming machine. However Harlick is silent on disclosing a player identifier associated with the active gaming machine. Rowe teaches a networked control gaming system having player tracker or player identification system where a player tracking system has an associated reward (para 0033, 0051), and it is well understood if the player tracker information is not available then the player or the user would be denied of any reward associated with the player tracking system. Player tracker system is very well known as disclosed by the applicant, therefore it would have been obvious to ordinary skilled artisan at the time of invention to include player tracker system in Harlick's system and make it mandatory in order to obtain a reward by the player so that casinos can track player activity and use that information for promotional purposes.

Regarding claim 5, Harlick's game system is multiplayer and multi-consoles game system that rewards player. Therefore one ordinary skilled artisan would recognize the system as one or more game machines are available for reward.

Regarding claim 6, Harlick;s game system includes selection of gaming machine from the pool at the predetermined time intervals (fig 2 and 3, col 1, lines 57-61). Therefore it would have been obvious to ordinary skilled artisan at the time of invention to make the time intervals based on different criteria such as day, week or year or based on number of game play or player activity or the previous reward time to create more excitement among players.

Regarding claims 7 and 9, Harlick's game system discloses rewarding player randomly based on active state of the game machine and the reward can be a cash amount (col 3, lines 39-41). However Harlick is silent on associating player reward with the player identification system and providing player reward responsive to the player identification. Rowe teaches a player tracking multiplayer reward system capable of identifying the players and rewarding the players with cash, incentive points and complimentary services (para 0036 and 0091); a reward indicator announces a reward won by the player (para 0029). Therefore it would have been obvious to one ordinary skilled artisan to include Rowe's player identifying reward system to Harlick's multiplayer reward system to create more excitement among player and give casino or the host a better business through the players' enrollment program in the system.

Claims 13, 15-17 and 19 are rejected under same above references cited by the examiner.

Response to Arguments

5. Applicant's arguments filed 6/24/2008 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant for the following reason

6. In response to applicant's argument on amended limitations, examiner believes these limitations are merely a lottery game limitation where predetermined time, date days etc are set for the drawings from pools or participating players which are also identified via web and internet. Examiner has cited new art that are very closely related and the applicant is respectfully advised to review the entire prior art of record very closely to better recite the claim language.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Masud Ahmed whose telephone number is 571 270 1315. The examiner can normally be reached on Mon-Fri 9:30am-5: 30pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571 272 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./

Examiner, Art Unit 3714

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714